



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1509

Introduced 2/22/2007, by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

775 ILCS 5/7A-102	from Ch. 68, par. 7A-102
775 ILCS 5/7A-103	from Ch. 68, par. 7A-103
775 ILCS 5/7B-102	from Ch. 68, par. 7B-102
775 ILCS 5/7B-103	from Ch. 68, par. 7B-103
775 ILCS 5/8-103	from Ch. 68, par. 8-103
775 ILCS 5/8-110	from Ch. 68, par. 8-110
775 ILCS 5/8-111	from Ch. 68, par. 8-111
775 ILCS 5/7-101.1 rep.	

Amends the Illinois Human Rights Act. Provides that review of certain decisions of the Director of Human Rights regarding charges shall be conducted by the Human Rights Commission, rather than the Chief Legal Counsel of the Department of Human Rights. Makes corresponding changes elsewhere in the Act. Authorizes complainants to commence a civil action in the appropriate circuit court instead of filing a complaint with the Human Rights Commission. Provides that, if complaint is filed with the Commission, a complainant may not later commence a civil action in a circuit court. Contains applicability provisions. Makes other changes.

LRB095 04301 AJO 27307 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 7A-102, 7A-103, 7B-102, 7B-103, 8-103,
6 8-110, and 8-111 as follows:

7 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

8 Sec. 7A-102. Procedures.

9 (A) Charge.

10 (1) Within 180 days after the date that a civil rights
11 violation allegedly has been committed, a charge in writing
12 under oath or affirmation may be filed with the Department
13 by an aggrieved party or issued by the Department itself
14 under the signature of the Director.

15 (2) The charge shall be in such detail as to
16 substantially apprise any party properly concerned as to
17 the time, place, and facts surrounding the alleged civil
18 rights violation.

19 (A-1) Equal Employment Opportunity Commission Charges. A
20 charge filed with the Equal Employment Opportunity Commission
21 within 180 days after the date of the alleged civil rights
22 violation shall be deemed filed with the Department on the date
23 filed with the Equal Employment Opportunity Commission. Upon

1 receipt of a charge filed with the Equal Employment Opportunity
2 Commission, the Department shall notify the complainant that he
3 or she may proceed with the Department. The complainant must
4 notify the Department of his or her decision in writing within
5 35 days of receipt of the Department's notice to the
6 complainant and the Department shall close the case if the
7 complainant does not do so. If the complainant proceeds with
8 the Department, the Department shall take no action until the
9 Equal Employment Opportunity Commission makes a determination
10 on the charge. Upon receipt of the Equal Employment Opportunity
11 Commission's determination, the Department shall cause the
12 charge to be filed under oath or affirmation and to be in such
13 detail as provided for under subparagraph (2) of paragraph (A).
14 At the Department's discretion, the Department shall either
15 adopt the Equal Employment Opportunity Commission's
16 determination or process the charge pursuant to this Act.
17 Adoption of the Equal Employment Opportunity Commission's
18 determination shall be deemed a determination by the Department
19 for all purposes under this Act.

20 (B) Notice~~7~~ and Response to, ~~and Review of~~ Charge. The
21 Department shall, within 10 days of the date on which the
22 charge was filed, serve a copy of the charge on the respondent.
23 This period shall not be construed to be jurisdictional. The
24 charging party and the respondent may each file a position
25 statement and other materials with the Department regarding the
26 charge of alleged discrimination within 60 days of receipt of

1 the notice of the charge. The position statements and other
2 materials filed shall remain confidential unless otherwise
3 agreed to by the party providing the information and shall not
4 be served on or made available to the other party during
5 pendency of a charge with the Department. The Department shall
6 require the respondent to file a verified response to the
7 allegations contained in the charge within 60 days of receipt
8 of the notice of the charge. The respondent shall serve a copy
9 of its response on the complainant or his representative. All
10 allegations contained in the charge not timely denied by the
11 respondent shall be deemed admitted, unless the respondent
12 states that it is without sufficient information to form a
13 belief with respect to such allegation. The Department may
14 issue a notice of default directed to any respondent who fails
15 to file a verified response to a charge within 60 days of
16 receipt of the notice of the charge, unless the respondent can
17 demonstrate good cause as to why such notice should not issue.
18 The term "good cause" shall be defined by rule promulgated by
19 the Department. Within 30 days of receipt of the respondent's
20 response, the complainant may file a reply to said response and
21 shall serve a copy of said reply on the respondent or his
22 representative. A party shall have the right to supplement his
23 response or reply at any time that the investigation of the
24 charge is pending. The Department shall, within 10 days of the
25 date on which the charge was filed, and again no later than 335
26 days thereafter, send by certified or registered mail written

1 notice to the complainant and to the respondent informing the
2 complainant of the complainant's right to either file a
3 complaint with the Human Rights Commission or commence a civil
4 action in the appropriate circuit court under subparagraph (2)
5 of paragraph (G), including in such notice the dates within
6 which the complainant may exercise this right. In the notice
7 the Department shall notify the complainant that the charge of
8 civil rights violation will be dismissed with prejudice and
9 with no right to further proceed if a written complaint is not
10 timely filed with the Commission or with the appropriate
11 circuit court by the complainant pursuant to subparagraph (2)
12 of paragraph (G) or by the Department pursuant to subparagraph
13 (1) of paragraph (G).

14 (B-1) Mediation. The complainant and respondent may agree
15 to voluntarily submit the charge to mediation without waiving
16 any rights that are otherwise available to either party
17 pursuant to this Act and without incurring any obligation to
18 accept the result of the mediation process. Nothing occurring
19 in mediation shall be disclosed by the Department or admissible
20 in evidence in any subsequent proceeding unless the complainant
21 and the respondent agree in writing that such disclosure be
22 made.

23 (C) Investigation.

24 (1) After the respondent has been notified, the
25 Department shall conduct a full investigation of the
26 allegations set forth in the charge.

1 (2) The Director or his or her designated
2 representatives shall have authority to request any member
3 of the Commission to issue subpoenas to compel the
4 attendance of a witness or the production for examination
5 of any books, records or documents whatsoever.

6 (3) If any witness whose testimony is required for any
7 investigation resides outside the State, or through
8 illness or any other good cause as determined by the
9 Director is unable to be interviewed by the investigator or
10 appear at a fact finding conference, his or her testimony
11 or deposition may be taken, within or without the State, in
12 the same manner as is provided for in the taking of
13 depositions in civil cases in circuit courts.

14 (4) Upon reasonable notice to the complainant and the
15 respondent, the Department shall conduct a fact finding
16 conference prior to 365 days after the date on which the
17 charge was filed, unless the Director has determined
18 whether there is substantial evidence that the alleged
19 civil rights violation has been committed or the charge has
20 been dismissed for lack of jurisdiction. If the parties
21 agree in writing, the fact finding conference may be held
22 at a time after the 365 day limit. Any party's failure to
23 attend the conference without good cause shall result in
24 dismissal or default. The term "good cause" shall be
25 defined by rule promulgated by the Department. A notice of
26 dismissal or default shall be issued by the Director and

1 shall notify the relevant party that a request for review
2 may be filed in writing with the Commission ~~Chief Legal~~
3 ~~Counsel of the Department~~ within 30 days of receipt of
4 notice of dismissal or default.

5 (D) Report.

6 (1) Each charge shall be the subject of a report to the
7 Director. The report shall be a confidential document
8 subject to review by the Director, authorized Department
9 employees, the parties, and, where indicated by this Act,
10 members of the Commission or their designated hearing
11 officers.

12 (2) Upon review of the report, the Director shall
13 determine whether there is substantial evidence that the
14 alleged civil rights violation has been committed. The
15 determination of substantial evidence is limited to
16 determining the need for further consideration of the
17 charge pursuant to this Act and includes, but is not
18 limited to, findings of fact and conclusions, as well as
19 the reasons for the determinations on all material issues.
20 Substantial evidence is evidence which a reasonable mind
21 accepts as sufficient to support a particular conclusion
22 and which consists of more than a mere scintilla but may be
23 somewhat less than a preponderance.

24 (3) ~~(a)~~ If the Director determines that there is no
25 substantial evidence, the charge shall be dismissed by
26 order of the Director and the Director shall give the

1 complainant notice of his or her right to notified that he
2 or she may seek review of the dismissal order before the
3 Commission or commence a civil action in the appropriate
4 circuit court. If the complainant chooses to have the Human
5 Rights Commission review the dismissal order, he or she
6 shall file a request for review with the Commission within
7 30 days after receipt of the Director's notice. If the
8 complainant chooses to file a request for review with the
9 Commission, he or she may not later commence a civil action
10 in a circuit court. If the complainant chooses to commence
11 a civil action in a circuit court, he or she must do so
12 within 90 days after receipt of the Director's notice Chief
13 Legal Counsel of the Department. The complainant shall have
14 30 days from receipt of notice to file a request for review
15 by the Chief Legal Counsel of the Department.

16 (4) If the Director determines that there is
17 substantial evidence, he or she shall notify the
18 complainant and respondent of that determination. The
19 Director shall also notify the parties that the complainant
20 has the right to either commence a civil action in the
21 appropriate circuit court or request that the Department of
22 Human Rights file a complaint with the Human Rights
23 Commission on his or her behalf. Any such complaint shall
24 be filed within 90 days after receipt of the Director's
25 notice. If the complainant chooses to file with the
26 Commission, the Department shall file the complaint on his

1 or her behalf. If a complaint is filed with the Commission,
2 a complainant may not later commence a civil action in a
3 circuit court.

4 (E) Conciliation.

5 (1) When ~~(b) If the Director determines that~~ there is
6 a finding of substantial evidence, the Department may ~~he or~~
7 ~~she shall~~ designate a Department employee who is an
8 attorney licensed to practice in Illinois to endeavor to
9 eliminate the effect of the alleged civil rights violation
10 and to prevent its repetition by means of conference and
11 conciliation.

12 ~~(E) Conciliation.~~

13 (2) ~~(1)~~ When the Department determines that a formal
14 conciliation conference is necessary, the complainant and
15 respondent shall be notified of the time and place of the
16 conference by registered or certified mail at least 10 days
17 prior thereto and either or both parties shall appear at
18 the conference in person or by attorney.

19 (3) ~~(2)~~ The place fixed for the conference shall be
20 within 35 miles of the place where the civil rights
21 violation is alleged to have been committed.

22 (4) ~~(3)~~ Nothing occurring at the conference shall be
23 disclosed by the Department unless the complainant and
24 respondent agree in writing that such disclosure be made.

25 (5) The Department's efforts to conciliate the matter
26 shall not stay or extend the time for filing the complaint

1 with the Commission or the circuit court.

2 (F) Complaint.

3 (1) When the complainant requests that the Department
4 file a complaint with the Commission on his or her behalf
5 ~~there is a failure to settle or adjust any charge through~~
6 ~~conciliation,~~ the Department shall prepare a written
7 complaint, under oath or affirmation, stating the nature of
8 the civil rights violation substantially as alleged in the
9 charge previously filed and the relief sought on behalf of
10 the aggrieved party. The Department shall file the
11 complaint with the Commission.

12 (2) If the complainant chooses to commence a civil
13 action in a circuit court, he or she must do so in the
14 circuit court in the county wherein the civil rights
15 violation was allegedly committed. The form of the
16 complaint in any such civil action shall be in accordance
17 with the Illinois Code of Civil Procedure ~~The complaint~~
18 ~~shall be filed with the Commission.~~

19 (G) Time Limit.

20 (1) When a charge of a civil rights violation has been
21 properly filed, the Department, within 365 days thereof or
22 within any extension of that period agreed to in writing by
23 all parties, shall issue its report as required by
24 subparagraph (D) ~~either issue and file a complaint in the~~
25 ~~manner and form set forth in this Section or shall order~~
26 ~~that no complaint be issued and dismiss the charge with~~

1 ~~prejudice without any further right to proceed except in~~
2 ~~cases in which the order was procured by fraud or duress.~~

3 Any such report ~~order~~ shall be duly served upon both the
4 complainant and the respondent.

5 (2) If the Department has not issued its report within
6 365 days, the complainant shall have 90 days to either file
7 his or her own complaint with the Human Rights Commission
8 or commence a civil action in the appropriate circuit
9 court. If the complainant files a complaint with the
10 Commission, the ~~Between 365 and 395 days after the charge~~
11 ~~is filed, or such longer period agreed to in writing by all~~
12 ~~parties, the aggrieved party may file a complaint with the~~
13 ~~Commission, if the Director has not sooner issued a report~~
14 ~~and determination pursuant to paragraphs (D) (1) and (D) (2)~~
15 ~~of this Section. The form of the complaint shall be in~~
16 accordance with the provisions of paragraph (F). If the
17 complainant commences a civil action in a circuit court,
18 the form of the complaint shall be in accordance with the
19 Illinois Code of Civil Procedure. The aggrieved party shall
20 notify the Department that a complaint has been filed and
21 shall serve a copy of the complaint on the Department on
22 the same date that the complaint is filed with the
23 Commission or in circuit court. If the complainant files a
24 complaint with the Commission, he or she may not later
25 commence a civil action in circuit court.

26 (3) If an aggrieved party files a complaint with the

1 Human Rights Commission or commences a civil action in
2 circuit court pursuant to paragraph (2) of this subsection,
3 or if the time period for filing a complaint has expired,
4 the Department shall immediately cease its investigation
5 and dismiss the charge of civil rights violation. Any final
6 order entered by the Commission ~~Chief Legal Counsel~~ under
7 this Section is appealable in accordance with paragraph
8 (B) (1) ~~(A) (1)~~ of Section 8-111. Failure to immediately
9 cease an investigation and dismiss the charge of civil
10 rights violation as provided in this paragraph (3)
11 constitutes grounds for entry of an order by the circuit
12 court permanently enjoining the investigation. The
13 Department may also be liable for any costs and other
14 damages incurred by the respondent as a result of the
15 action of the Department.

16 (4) The Department shall stay any administrative
17 proceedings under this Section after the filing of a civil
18 action by or on behalf of the aggrieved party under any
19 federal or State law seeking relief with respect to the
20 alleged civil rights violation.

21 (H) This amendatory Act of 1995 applies to causes of action
22 filed on or after January 1, 1996.

23 (I) This amendatory Act of 1996 applies to causes of action
24 filed on or after January 1, 1996.

25 (J) The changes made to this Section by this amendatory Act
26 of the 95th General Assembly apply to charges filed on or after

1 the effective date of those changes.

2 (Source: P.A. 94-146, eff. 7-8-05; 94-326, eff. 7-26-05;
3 94-857, eff. 6-15-06.)

4 (775 ILCS 5/7A-103) (from Ch. 68, par. 7A-103)

5 Sec. 7A-103. Settlement.

6 (A) Circumstances. A settlement of any charge prior to the
7 filing of a complaint may be effectuated at any time upon
8 agreement of the parties and the approval of the Department. A
9 settlement of any charge after the filing of a complaint shall
10 be effectuated as specified in Section 8-105(A) (2) of this Act.

11 (B) Form. Settlements of charges prior to the filing of
12 complaints shall be reduced to writing by the Department,
13 signed by the parties, and submitted by the Department to the
14 Commission for approval. Settlements of charges after the
15 filing of complaints shall be effectuated as specified in
16 Section 8-105(A) (2) of this Act.

17 (C) Violation.

18 (1) When either party alleges that a settlement order
19 has been violated, the Department shall conduct an
20 investigation into the matter.

21 (2) Upon finding substantial evidence to demonstrate
22 that a settlement has been violated, the Department shall
23 file notice of a settlement order violation with the
24 Commission and serve all parties.

25 (D) Dismissal For Refusal To Accept Settlement Offer. The

1 Department shall dismiss a charge if it is satisfied that:

2 (1) the respondent has eliminated the effects of the
3 civil rights violation charged and taken steps to prevent
4 its repetition; or

5 (2) the respondent offers and the complainant declines
6 to accept terms of settlement which the Department finds
7 are sufficient to eliminate the effects of the civil rights
8 violation charged and prevent its repetition.

9 When the Department dismisses a charge under this Section
10 it shall notify the complainant that he or she may seek review
11 of the dismissal order before the Commission ~~Chief Legal~~
12 ~~Counsel of the Department~~. The complainant shall have 30 days
13 from receipt of notice to file a request for review by the
14 Commission ~~Chief Legal Counsel of the Department~~.

15 In determining whether the respondent has eliminated the
16 effects of the civil rights violation charged, or has offered
17 terms of settlement sufficient to eliminate same, the
18 Department shall consider the extent to which the respondent
19 has either fully provided, or reasonably offered by way of
20 terms of settlement, as the case may be, the relevant relief
21 available to the complainant under Section 8-108 of this Act.

22 (E) This amendatory Act of 1995 applies to causes of action
23 filed on or after January 1, 1996.

24 (F) The changes made to this Section by this amendatory Act
25 of the 95th General Assembly apply to charges filed on or after
26 the effective date of those changes.

1 (Source: P.A. 91-357, eff. 7-29-99.)

2 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

3 Sec. 7B-102. Procedures.

4 (A) Charge.

5 (1) Within one year after the date that a civil rights
6 violation allegedly has been committed or terminated, a
7 charge in writing under oath or affirmation may be filed
8 with the Department by an aggrieved party or issued by the
9 Department itself under the signature of the Director.

10 (2) The charge shall be in such detail as to
11 substantially apprise any party properly concerned as to
12 the time, place, and facts surrounding the alleged civil
13 rights violation.

14 (B) Notice and Response to Charge.

15 (1) The Department shall serve notice upon the
16 aggrieved party acknowledging such charge and advising the
17 aggrieved party of the time limits and choice of forums
18 provided under this Act. The Department shall, within 10
19 days of the date on which the charge was filed or the
20 identification of an additional respondent under paragraph
21 (2) of this subsection, serve on the respondent a copy of
22 the charge along with a notice identifying the alleged
23 civil rights violation and advising the respondent of the
24 procedural rights and obligations of respondents under
25 this Act and shall require the respondent to file a

1 verified response to the allegations contained in the
2 charge within 30 days. The respondent shall serve a copy of
3 its response on the complainant or his representative. All
4 allegations contained in the charge not timely denied by
5 the respondent shall be deemed admitted, unless the
6 respondent states that it is without sufficient
7 information to form a belief with respect to such
8 allegation. The Department may issue a notice of default
9 directed to any respondent who fails to file a verified
10 response to a charge within 30 days of the date on which
11 the charge was filed, unless the respondent can demonstrate
12 good cause as to why such notice should not issue. The term
13 "good cause" shall be defined by rule promulgated by the
14 Department. Within 10 days of the date he receives the
15 respondent's response, the complainant may file his reply
16 to said response. If he chooses to file a reply, the
17 complainant shall serve a copy of said reply on the
18 respondent or his representative. A party shall have the
19 right to supplement his response or reply at any time that
20 the investigation of the charge is pending.

21 (2) A person who is not named as a respondent in a
22 charge, but who is identified as a respondent in the course
23 of investigation, may be joined as an additional or
24 substitute respondent upon written notice, under
25 subsection (B), to such person, from the Department. Such
26 notice, in addition to meeting the requirements of

1 subsections (A) and (B), shall explain the basis for the
2 Department's belief that a person to whom the notice is
3 addressed is properly joined as a respondent.

4 (C) Investigation.

5 (1) The Department shall conduct a full investigation
6 of the allegations set forth in the charge and complete
7 such investigation within 100 days after the filing of the
8 charge, unless it is impracticable to do so. The
9 Department's failure to complete the investigation within
10 100 days after the proper filing of the charge does not
11 deprive the Department of jurisdiction over the charge.

12 (2) If the Department is unable to complete the
13 investigation within 100 days after the charge is filed,
14 the Department shall notify the complainant and respondent
15 in writing of the reasons for not doing so.

16 (3) The Director or his or her designated
17 representative shall have authority to request any member
18 of the Commission to issue subpoenas to compel the
19 attendance of a witness or the production for examination
20 of any books, records or documents whatsoever.

21 (4) If any witness whose testimony is required for any
22 investigation resides outside the State, or through
23 illness or any other good cause as determined by the
24 Director is unable to be interviewed by the investigator or
25 appear at a fact finding conference, his or her testimony
26 or deposition may be taken, within or without the State, in

1 the same manner as provided for in the taking of
2 depositions in civil cases in circuit courts.

3 (5) Upon reasonable notice to the complainant and the
4 respondent, the Department shall conduct a fact finding
5 conference, unless prior to 100 days from the date on which
6 the charge was filed, the Director has determined whether
7 there is substantial evidence that the alleged civil rights
8 violation has been committed. A party's failure to attend
9 the conference without good cause may result in dismissal
10 or default. A notice of dismissal or default shall be
11 issued by the Director and shall notify the relevant party
12 that a request for review may be filed in writing with the
13 Commission ~~Chief Legal Counsel of the Department~~ within 30
14 days of receipt of notice of dismissal or default.

15 (D) Report.

16 (1) Each investigated charge shall be the subject of a
17 report to the Director. The report shall be a confidential
18 document subject to review by the Director, authorized
19 Department employees, the parties, and, where indicated by
20 this Act, members of the Commission or their designated
21 hearing officers.

22 The report shall contain:

23 (a) the names and dates of contacts with witnesses;

24 (b) a summary and the date of correspondence and
25 other contacts with the aggrieved party and the
26 respondent;

1 (c) a summary description of other pertinent
2 records;

3 (d) a summary of witness statements; and

4 (e) answers to questionnaires.

5 A final report under this paragraph may be amended if
6 additional evidence is later discovered.

7 (2) Upon review of the report and within 100 days of
8 the filing of the charge, unless it is impracticable to do
9 so, the Director shall determine whether there is
10 substantial evidence that the alleged civil rights
11 violation has been committed or is about to be committed.
12 If the Director is unable to make the determination within
13 100 days after the filing of the charge, the Director shall
14 notify the complainant and respondent in writing of the
15 reasons for not doing so. The Director's failure to make
16 the determination within 100 days after the proper filing
17 of the charge does not deprive the Department of
18 jurisdiction over the charge.

19 (a) If the Director determines that there is no
20 substantial evidence, the charge shall be dismissed
21 and the aggrieved party notified that he or she may
22 seek review of the dismissal order before the
23 Commission. The aggrieved party shall have 30 days from
24 receipt of notice to file a request for review by the
25 Commission ~~Chief Legal Counsel of the Department~~. The
26 Director shall make public disclosure of each such

1 dismissal.

2 (b) If the Director determines that there is
3 substantial evidence, he or she shall immediately
4 issue a complaint on behalf of the aggrieved party
5 pursuant to subsection (F).

6 (E) Conciliation.

7 (1) During the period beginning with the filing of
8 charge and ending with the filing of a complaint or a
9 dismissal by the Department, the Department shall, to the
10 extent feasible, engage in conciliation with respect to
11 such charge.

12 When the Department determines that a formal
13 conciliation conference is feasible, the aggrieved party
14 and respondent shall be notified of the time and place of
15 the conference by registered or certified mail at least 7
16 days prior thereto and either or both parties shall appear
17 at the conference in person or by attorney.

18 (2) The place fixed for the conference shall be within
19 35 miles of the place where the civil rights violation is
20 alleged to have been committed.

21 (3) Nothing occurring at the conference shall be made
22 public or used as evidence in a subsequent proceeding for
23 the purpose of proving a violation under this Act unless
24 the complainant and respondent agree in writing that such
25 disclosure be made.

26 (4) A conciliation agreement arising out of such

1 conciliation shall be an agreement between the respondent
2 and the complainant, and shall be subject to approval by
3 the Department and Commission.

4 (5) A conciliation agreement may provide for binding
5 arbitration of the dispute arising from the charge. Any
6 such arbitration that results from a conciliation
7 agreement may award appropriate relief, including monetary
8 relief.

9 (6) Each conciliation agreement shall be made public
10 unless the complainant and respondent otherwise agree and
11 the Department determines that disclosure is not required
12 to further the purpose of this Act.

13 (F) Complaint.

14 (1) When there is a failure to settle or adjust any
15 charge through a conciliation conference and the charge is
16 not dismissed, the Department shall prepare a written
17 complaint, under oath or affirmation, stating the nature of
18 the civil rights violation and the relief sought on behalf
19 of the aggrieved party. Such complaint shall be based on
20 the final investigation report and need not be limited to
21 the facts or grounds alleged in the charge filed under
22 subsection (A).

23 (2) The complaint shall be filed with the Commission.

24 (3) The Department may not issue a complaint under this
25 Section regarding an alleged civil rights violation after
26 the beginning of the trial of a civil action commenced by

1 the aggrieved party under any State or federal law, seeking
2 relief with respect to that alleged civil rights violation.

3 (G) Time Limit.

4 (1) When a charge of a civil rights violation has been
5 properly filed, the Department, within 100 days thereof,
6 unless it is impracticable to do so, shall either issue and
7 file a complaint in the manner and form set forth in this
8 Section or shall order that no complaint be issued. Any
9 such order shall be duly served upon both the aggrieved
10 party and the respondent. The Department's failure to
11 either issue and file a complaint or order that no
12 complaint be issued within 100 days after the proper filing
13 of the charge does not deprive the Department of
14 jurisdiction over the charge.

15 (2) The Director shall make available to the aggrieved
16 party and the respondent, at any time, upon request
17 following completion of the Department's investigation,
18 information derived from an investigation and any final
19 investigative report relating to that investigation.

20 (H) This amendatory Act of 1995 applies to causes of action
21 filed on or after January 1, 1996.

22 (I) The changes made to this Section by this amendatory Act
23 of the 95th General Assembly apply to charges filed on or after
24 the effective date of those changes.

25 (Source: P.A. 94-326, eff. 7-26-05; 94-857, eff. 6-15-06.)

1 (775 ILCS 5/7B-103) (from Ch. 68, par. 7B-103)

2 Sec. 7B-103. Settlement.

3 (A) Circumstances. A settlement of any charge prior to the
4 filing of a complaint may be effectuated at any time upon
5 agreement of the parties and the approval of the Department. A
6 settlement of any charge after the filing of complaint shall be
7 effectuated as specified in Section 8-105 (A) (2) of this Act.

8 (B) Form. Settlements of charges prior to the filing of
9 complaints shall be reduced to writing by the Department,
10 signed by the parties, and submitted by the Department to the
11 Commission for approval. Settlements of charges after the
12 filing of complaints shall be effectuated as specified in
13 Section 8-105 (A) (2) of this Act.

14 (C) Violation.

15 (1) When either party alleges that a settlement order
16 has been violated, the Department shall conduct an
17 investigation into the matter.

18 (2) Upon finding substantial evidence to demonstrate
19 that a settlement has been violated, the Department shall
20 refer the matter to the Attorney General for enforcement in
21 the circuit court in which the respondent or complainant
22 resides or transacts business or in which the alleged
23 violation took place.

24 (D) Dismissal For Refusal To Accept Settlement Offer. The
25 Department may dismiss a charge if it is satisfied that:

26 (1) the respondent has eliminated the effects of the

1 civil rights violation charged and taken steps to prevent
2 its repetition; or

3 (2) the respondent offers and the aggrieved party
4 declines to accept terms of settlement which the Department
5 finds are sufficient to eliminate the effects of the civil
6 rights violation charged and prevent its repetition.

7 (3) When the Department dismisses a charge under this
8 Section it shall notify the complainant that he or she may
9 seek review of the dismissal order before the Commission.
10 The aggrieved party shall have 30 days from receipt of
11 notice to file a request for review by the Commission ~~Chief~~
12 ~~Legal Counsel of the Department.~~

13 (4) In determining whether the respondent has
14 eliminated the effects of the civil rights violation
15 charged, or has offered terms of settlement sufficient to
16 eliminate same, the Department shall consider the extent to
17 which the respondent has either fully provided, or
18 reasonably offered by way of terms of settlement, as the
19 case may be, the relevant relief available to the aggrieved
20 party under Section 8B-104 of this Act with the exception
21 of civil penalties.

22 (E) This amendatory Act of 1995 applies to causes of action
23 filed on or after January 1, 1996.

24 (F) The changes made to this Section by this amendatory Act
25 of the 95th General Assembly apply to charges filed on or after
26 the effective date of those changes.

1 (Source: P.A. 89-370, eff. 8-18-95.)

2 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

3 Sec. 8-103. Request for Review.

4 (A) ~~Applicability. This Section does not apply to any cause~~
5 ~~of action filed on or after January 1, 1996.~~

6 ~~(A-1)~~ Jurisdiction. The Commission, through a panel of
7 three members, shall have jurisdiction to hear and determine
8 requests for review of (1) decisions of the Department to
9 dismiss a charge; and (2) notices of default issued by the
10 Department.

11 In each instance, the Department shall be the respondent.

12 (B) Review. When a request for review is properly filed,
13 the Commission may consider the Department's report, any
14 argument and supplemental evidence timely submitted, and the
15 results of any additional investigation conducted by the
16 Department in response to the request. In its discretion, the
17 Commission may designate a hearing officer to conduct a hearing
18 into the factual basis of the matter at issue.

19 (C) Default Order. When a respondent fails to file a timely
20 request for review of a notice of default, or the default is
21 sustained on review, the Commission shall enter a default order
22 and set a hearing on damages.

23 (D) Time Period Toll. Proceedings on requests for review
24 shall toll the time limitation established in paragraph (G) of
25 Section 7A-102 from the date on which the Department's notice

1 of dismissal or default is issued to the date on which the
2 Commission's order is entered.

3 (E) The changes made to this Section by this amendatory Act
4 of the 95th General Assembly apply to charges, complaints, or
5 other proceedings filed with the Department or Commission on or
6 after the effective date of those changes.

7 (Source: P.A. 89-370, eff. 8-18-95.)

8 (775 ILCS 5/8-110) (from Ch. 68, par. 8-110)

9 Sec. 8-110. Publication of Opinions. Decisions of the
10 Commission or panels thereof, whether on requests for review or
11 complaints, shall be published within 120 calendar days of the
12 completion of service of the written decision on the parties to
13 ensure ~~assure~~ a consistent source of precedent.

14 This amendatory Act of 1995 applies to causes of action
15 filed on or after January 1, 1996.

16 The changes made to this Section by this amendatory Act of
17 the 95th General Assembly apply to decisions of the Commission
18 entered on or after the effective date of those changes.

19 (Source: P.A. 89-370, eff. 8-18-95.)

20 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

21 Sec. 8-111. Court Proceedings.

22 (A) Civil Actions Commenced in Circuit Court.

23 (1) Venue. Civil actions commenced in a circuit court
24 pursuant to section 7A-102 shall be commenced in the

1 circuit court for the district in which the civil rights
2 violation was allegedly committed.

3 (2) If a civil action is commenced in a circuit court,
4 the form of the complaint shall be in accordance with
5 Illinois Code of Civil Procedure.

6 (3) Civil actions commenced in a circuit court pursuant
7 to section 7A-102 shall be tried by a judge without a jury.

8 (4) Remedies. Upon the finding of a civil rights
9 violation, the circuit court may order any of the remedies
10 set forth in section 8A-104.

11 (B) ~~(A) (1)~~ Judicial Review.

12 (1) Any complainant or respondent may apply for and
13 obtain judicial review of a ~~any~~ final order of the
14 Commission entered under this Act by filing a petition for
15 review in the Appellate Court within 35 days from the date
16 that a copy of the decision sought to be reviewed was
17 served upon the party affected by the decision. If a
18 3-member panel or the full Commission finds that an
19 interlocutory order involves a question of law as to which
20 there is substantial ground for difference of opinion and
21 that an immediate appeal from the order may materially
22 advance the ultimate termination of the litigation, any
23 party may petition the Appellate Court for permission to
24 appeal the order. The procedure for obtaining the required
25 Commission findings and the permission of the Appellate
26 Court shall be governed by Supreme Court Rule 308, except

1 the references to the "trial court" shall be understood as
2 referring to the Commission.

3 (2) In any proceeding brought for judicial review, the
4 Commission's findings of fact ~~made at the administrative~~
5 ~~level~~ shall be sustained unless the court determines that
6 such findings are contrary to the manifest weight of the
7 evidence.

8 (3) Venue. Proceedings for judicial review shall be
9 commenced in the appellate court for the district wherein
10 the civil rights violation which is the subject of the
11 Commission's order was allegedly committed.

12 (C) ~~(B)~~ Judicial Enforcement.

13 (1) When the Commission, at the instance of the
14 Department or an aggrieved party, concludes that any person
15 has violated a valid order of the Commission issued
16 pursuant to this Act, and the violation and its effects are
17 not promptly corrected, the Commission, through a panel of
18 3 members, shall order the Department to commence an action
19 in the name of the People of the State of Illinois by
20 complaint, alleging the violation, attaching a copy of the
21 order of the Commission and praying for the issuance of an
22 order directing such person, his or her or its officers,
23 agents, servants, successors and assigns to comply with the
24 order of the Commission.

25 (2) An aggrieved party may file a complaint for
26 enforcement of a valid order of the Commission directly in

1 Circuit Court.

2 (3) Upon the commencement of an action filed under
3 paragraphs (1) or (2) of subsection (B) of this Section the
4 court shall have jurisdiction over the proceedings and
5 power to grant or refuse, in whole or in part, the relief
6 sought or impose such other remedy as the court may deem
7 proper.

8 (4) The court may stay an order of the Commission in
9 accordance with the applicable Supreme Court rules,
10 pending disposition of the proceedings.

11 (5) The court may punish for any violation of its order
12 as in the case of civil contempt.

13 (6) Venue. Proceedings for judicial enforcement of a
14 Commission order shall be commenced in the circuit court in
15 the county wherein the civil rights violation which is the
16 subject of the Commission's order was committed.

17 (D) ~~(C)~~ Limitation. Except as otherwise provided by law, no
18 court of this state shall have jurisdiction over the subject of
19 an alleged civil rights violation other than as set forth in
20 this Act.

21 (E) ~~(D)~~ This amendatory Act of 1996 applies to causes of
22 action filed on or after January 1, 1996.

23 (F) The changes made to this Section by this amendatory Act
24 of the 95th General Assembly apply to charges, complaints, or
25 other proceedings filed with the Department or the Commission
26 on or after the effective date of those changes.

1 (Source: P.A. 88-1; 89-348, eff. 1-1-96; 89-520, eff. 7-18-96.)

2 (775 ILCS 5/7-101.1 rep.)

3 Section 10. The Illinois Human Rights Act is amended by
4 repealing Section 7-101.1.